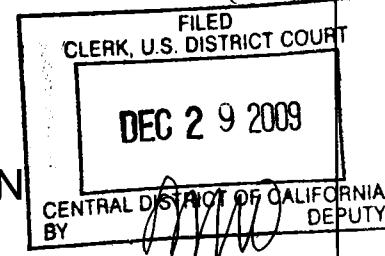


**NOTE: CHANGES HAVE BEEN
MADE TO THIS DOCUMENT**



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**LARRY C. FLYNT,
LFP VIDEO GROUP, LLC,
and LFP IP, LLC,**

Plaintiffs,

VS.

FLYNT MEDIA CORPORATION,
a Delaware Corporation; **JIMMY**
FLYNT, II; DUSTIN FLYNT; and
DOES 1 through 10 inclusive,

Defendants.

Case No.: 2:09-cv-00048-AHM-
RZx

JUDGMENT ON JURY

VERDICT

This action came on for trial before the Court and a jury, Honorable A.

Howard Matz, United States District Court Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

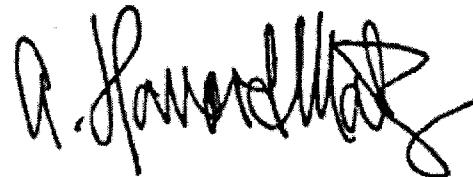
IT IS ORDERED, ADJUDGED AND DECREED:

1 Judgment is hereby entered under the terms of the Special Verdict Form,
2 which is attached hereto and incorporated herein by reference.
3
4
5

6 Neither side shall be deemed the prevailing party.
7
8

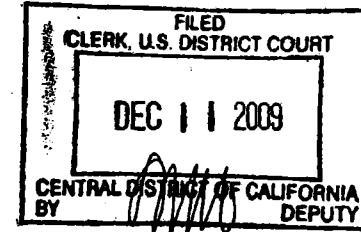
9 The Order of Permanent Injunction is being filed separately.
10
11

12 Dated: December 28, 2009



13 A. HOWARD MATZ
14 U.S. DISTRICT COURT JUDGE
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARRY C. FLYNT, LFP VIDEO
GROUP, LLC, and LEP IP, LLC,

Plaintiffs,

v.
FLYNT MEDIA CORPORATION,
et al.,

Defendants.

CASE NO. CV 09-48 AHM (RZx)
REDACTED
SPECIAL VERDICT FORM

**SECTION 1: FEDERAL INFRINGEMENT OF AN UNREGISTERED
TRADEMARK (Jury Instructions No. 3A-3G)**

On the claim of Plaintiffs Larry Flynt, LFP Video Group, LLC and LFP IP, LLC against Defendants Flynt Media Corporation, Jimmy Flynt, II and Dustin Flynt for trademark infringement, we the jury make the following findings:

///
///

1 1. Did Plaintiffs prove by a preponderance of the evidence that LARRY
2 FLYNT is a trademark?

3 Yes No _____
4

5 If your answer to question 1 is yes, then answer question 2. If you
6 answered no, stop here, answer no further questions in this Section 1, and proceed
7 to Section 2.

8

9 2. Did Plaintiffs prove by a preponderance of the evidence that
10 Plaintiffs own the term LARRY FLYNT as a trademark?

11

12 Yes No _____
13

14 If your answer to question 2 is yes, then answer question 3. If you
15 answered no, stop here, answer no further questions in this Section 1, and proceed
16 to Section 2.

17

18 3. Did Plaintiffs prove by a preponderance of the evidence that
19 Defendants used a mark similar to the LARRY FLYNT mark without the consent
20 of Plaintiffs and in a manner that it is likely to cause confusion among ordinary
21 purchasers as to the source of the goods?

22

23 (a) As to Defendant FLYNT Media Corporation: Yes No _____

24

25 (b) As to Defendant Jimmy Flynt, II: Yes No _____

26

27 (c) As to Defendant Dustin Flynt: Yes No _____
28

1
2 **Please proceed to Section 2**
3

4 **SECTION 2: FALSE ENDORSEMENT (Jury Instruction No. 4)**

5
6 On the claim of Plaintiffs Larry Flynt, LFP Video Group, LLC and LFP IP,
7 LLC against Defendants Flynt Media Corporation, Jimmy Flynt, II and Dustin
8 Flynt for false endorsement under the Lanham Act, we the jury make the
9 following findings:

10
11 1. Did Plaintiffs prove by a preponderance of the evidence that by
12 using the name FLYNT, Defendants used Plaintiff Larry Flynt's name, persona or
13 likeness in a manner that is likely to cause confusion or to deceive consumers as
14 to whether Larry Flynt has an affiliation, connection, or association with
15 Defendants' goods, services, or commercial activity?

16
17 (a) As to Defendant FLYNT Media Corporation: Yes No _____

18
19 (b) As to Defendant Jimmy Flynt, II: Yes No _____

20
21 (c) As to Defendant Dustin Flynt: Yes No _____

22
23
24 **Please proceed to Section 3**

25
26 **SECTION 3: CALIFORNIA STATUTORY RIGHT OF PUBLICITY**
27 **(Jury Instruction No. 5)**

1

2 On the claim of Plaintiff Larry Flynt against Defendants Flynt Media
3 Corporation, Jimmy Flynt, II and Dustin Flynt for violating Larry Flynt's
4 statutory right of publicity, we the jury make the following findings:

5

6 Did Larry Flynt prove by a preponderance of the evidence that the
7 Defendants violated his right of publicity?

8

9 (a) As to Defendant FLYNT Media Corporation: Yes No

10

11 (b) As to Defendant Jimmy Flynt, II: Yes No

12

13 (c) As to Defendant Dustin Flynt: Yes No

14

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Please proceed to Section 4

17

18 **SECTION 4: WRONGFUL APPROPRIATION OF NAME/LIKENESS**

19 **UNDER CALIFORNIA LAW (Jury Instruction No. 6)**

20

21 On the claim of Plaintiff Larry Flynt against Defendants Flynt Media
22 Corporation, Jimmy Flynt, II and Dustin Flynt for wrongfully appropriating his
23 name or likeness, did Plaintiff Larry Flynt prove by a preponderance of the
24 evidence that Defendants wrongfully appropriated his name or likeness?

25

26 (a) As to Defendant FLYNT Media Corporation: Yes No

27

28 (b) As to Defendant Jimmy Flynt, II: Yes No

1 (c) As to Defendant Dustin Flynt:

Yes No

2
3 When you have completed the Sections 1-4, please sign and date this form
4 and return it to the bailiff.

5

6

7

8 Signed:

(REDACTED)

9 Presiding Juror

10

Dated: 12/11/2009

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